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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,645	06/07/2001	Mingqiu Sun	884.439US1	9088

21186   7590   11/22/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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EXAMINER
TANG, KENNETH

ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2"><i>Advisory Action
Before the Filing of an Appeal Brief</i></td><td>Application No.</td><td colspan="2">Applicant(s)</td></tr>
<tr><td>09/876,645</td><td colspan="2">SUN ET AL.</td></tr>
<tr><td></td><td>Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td></td><td>Kenneth Tang</td><td>2195</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

  a) ☒ The period for reply expires _3_ months from the mailing date of the final rejection.

  b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

  (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

  (b) ☐ They raise the issue of new matter (see NOTE below);

  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

  The status of the claim(s) is (or will be) as follows:

  Claim(s) allowed: *none*.

  Claim(s) objected to: *none*.

  Claim(s) rejected: *1-36*.

  Claim(s) withdrawn from consideration: *none*.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 210

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues the 35 USC 101 rejections. The Applicant sites an example of a statutory process: a method of controlling parallel processors to accomplish multi-tasking of several computing tasks TO MAXIMIZE COMPUTING EFFICIENCY (emphasis added to the practical application). Applicant argues that this statutory example is very much in line with the Applicant's recited claim 1 - i.e., providing distributed queuing of workflows. In response, this or anything else in the claims do not provide a practical application. In claim 1, the limitation of "providing" is not a tangible result. The limitation of "sending an explicity and delayed acknowledgement" is a tangible result, however, this occurs ONLY when the workflow is completed. In the case where the workflow is not completed, then a tangible result does not occur because the limitation "assigning the workflow" is not a tangible result. Applicant makes it clear to the Examiner that the definition of a "dealyed acknowledgement message" is a message sent upon the succesful completion of the final workflow task. As the Examiner showed in the Final Rejection, Sasou teaches processing tasks and workflows (frist task through last task) wherein notification occurs when the last task is completed (see Abstract, col. 7, lines 9-12, etc.). It is inherent that the last task is completed successfully. In Sasou, if the last task is not completed successfully, it wouldn't be completed. Applicant completely ignores the Examiner's cited portions and rejection. Instead, the Applicant points elswhere. Applicant argues that in Sasou, col. 5, lines 50-58, it teaches sending a notification when successfully completed but doesn't teach otherwise assigning the workflow to a second workflow engine. However, the Examiner already admitted this and introduced Northrup for this reason. The Applicant does not deny that Northrup teaches assigning the workflow to a second workflow engine. Instead, the Apoplicant argues that Northrup doesn't teach limitations that are already taught in Sasou. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant does not argue that there is no motivation to combine the references. Applicant's arguments were not found to be persuasive.